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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7616/2024**

MUNICIPAL CORPORATION OF DELHI Petitioner
Through: **Mr.Sanjeev Sagar, Standing Counsel**
with Ms.Nazia Parveen, Advocates

versus

REGIONAL PROVIDENT FUND COMMISSIONER Respondent
Through: **Mr.Anshul Saxena, Advocate for**
Mr.Siddharth, Standing Counsel for
EPFO for R-1

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
% **29.05.2024**

CM APPL. No.31646/2024 (Exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

W.P.(C) 7616/2024 and CM APPL. No.31645/2024 (Stay)

1. The instant writ petition under Article 226 read with Article 227 of the Constitution of India has been filed by the petitioner seeking the setting aside of Recovery Notice dated 9th May, 2024, bearing Reference No. DL-44612/Recovery Cell/2024/28 passed by the Recovery Officer & Regional Provident Fund Commissioner II, Delhi and Recovery Certificate dated 9th May, 2024 bearing reference No. DL-44612/Recovery Cell/2024/27 passed by the Recovery Officer & Regional Provident Fund Commissioner II, Delhi as well as the order dated 15th April, 2023 bearing Ref. No.



E/DL/44612/Comp/1 passed by the Employees Provident Fund Organization and order dated 28th April, 2023 bearing Ref. No./DL/44612/Damages/Comp-I/60413.

2. Learned counsel appearing on behalf of the petitioner MCD submitted that the MCD have filed appeals under Section 7(I) of the Employees Provident Funds Act, (the EPF Act, hereinafter) before the Central Government Industrial Tribunal (CGIT, hereinafter) bearing MA Nos. 56/2023 and 58/2023 challenging the order dated 15th April, 2023 and 28th April, 2023 passed under Sections 7Q and 14 F of the EPF Act respectively. It is further submitted that vide order dated 8th December, 2023 notice in those appeals was issued by the learned Tribunal. The respondent appeared before the learned Tribunal and filed reply to the said applications on the subsequent date of hearing, i.e., 19th January, 2024.

3. It is submitted that thereafter the appeals were listed for the dates 15th March, 2024 and 24th May, 2024 however, no effective hearing took place since the Chairman of the learned Tribunal did not hold the Court.

4. Learned counsel appearing on behalf of the petitioner submitted that the since the appeals filed by the petitioner herein have not been heard for the last three dates, i.e., 19th January, 2024, 15th March, 2024 and 24th May, 2024, he has thus approached this Court seeking stay of the impugned orders passed under Sections 7Q and 14B of the EPF Act.

5. It is further submitted that the petitioner is a corporation where the public money is involved and recovery certificates approximately for Rs.36 crores have been issued and no effective hearing/adjudication has been done by the learned Tribunal till date and the next date of hearing before the learned Tribunal is 6th August, 2024.



6. Learned counsel appearing on behalf of the petitioner MCD vehemently submitted that the impugned recovery certificates may be stayed by this Court till proper adjudication of the stay applications filed along with the appeals filed by the MCD before the learned Tribunal.

7. Heard the learned counsel appearing on behalf of the petitioner and perused the record.

8. It is an admitted fact that the appeals are pending before the learned Tribunal and no effective hearing has been done by the learned Tribunal for the last three dates and, more particularly, on the applications seeking stay as filed along with the appeals.

9. In view of the above facts and circumstances, the learned Tribunal is directed to hear the appeals at the earliest and pass an appropriate order in accordance with law on the applications seeking condonation of delay and the applications seeking stay of the impugned orders filed along with the said appeals without giving any unnecessary adjournment to either of the parties in accordance with law.

10. It is further made clear that till the disposal/adjudication of the application seeking stay filed by the petitioner along with the appeals, the recovery certificates dated 9th May, 2024, bearing Reference No. DL-44612/Recovery Cell/2024/28 passed by the Recovery Officer & Regional Provident Fund Commissioner II, Delhi and Recovery Certificate dated 9th May, 2024 bearing reference No. DL-44612/Recovery Cell/2024/27 passed by the Recovery Officer & Regional Provident Fund Commissioner II, Delhi as also the order dated 15th April, 2023 bearing Ref. No. E/DL/44612/Comp/1 passed by the Employees Provident Fund Organization and order dated 28th April, 2023 bearing Ref.



No./DL/44612/Damages/Comp-I/60413 shall be kept in abeyance.

11. The petition along with accompanying application is thus disposed of in above terms.

Nothing stated herein shall however amount to any expression on the merits or demerits of the case.

CHANDRA DHARI SINGH, J

MAY 29, 2024

rk/sv/db

[Click here to check corrigendum, if any](#)